



Applicant : Yoshiharu Doi and Hiromi Matsunaga  
Serial No. : 09/807,123  
Filed : April 5, 2001  
Title : METHOD OF PRODUCING COPOLYMER POLYESTER

Commissioner for Patents  
Washington, D.C.20231

#9  
M.G.  
6/4/03

DECLARATION UNDER 37 C.F.R. § 1.132

Sir:

1. I, Yoshiharu Doi, of c/o The Institute of Physical and Chemical Research (RIKEN), 2-1, Hirokawa, Wako-shi, Saitama 351-0198 Japan, am the inventor of the above-referenced United States patent application serial No. (USSN) 09/807,123.

2. I am submitting this declaration to certify the deposit of biological material, *Pseudomonas* sp. strain 61-3, a bacterial strain described in the specification of USSN 09/807,123, on, inter alia, page 3, lines 1 to 5, page 6 lines 3 to 6, page 12, describing Figure 3, and page 13, in Example 1.

3. I declare that:

(a) During the pendency of this application, access to *Pseudomonas* sp. strain 61-3 will be afforded to the Commissioner upon request ;

(b) All restrictions upon availability to the public will be irrevocably removed upon granting of the patent;

(c) The deposit of *Pseudomonas* sp. strain 61-3 will be maintained in a public depository, Japan Collection of Microorganisms (JCM), a depository of RIKEN, 2-1, Hirokawa, Wako-shi, Saitama 351-0198 Japan, for a period of 30 years or 5 years after the last request or for the enforceable life of the patent, whichever is longer;

(d) A test of the viability of the biological material at the time of the deposit was made and that the test results indicated that said biological material viable (see 37 CFR 1.807); and

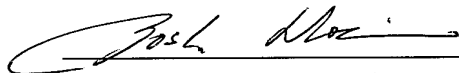
(e) The deposit will be replaced should it become necessary due to inviability, contamination or loss of capability to function in the manner described in the specification.

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4. I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully Submitted

Date: May 7, 2003

  
Yoshiharu Doi

**VIABILITY STATEMENT UNDER 37 C.F.R. 1.807**

- (1) Name and address of depository:  
Japan Collection of Microorganisms (JCM)  
2-1 Hirosawa, Wako  
Saitama 351-0198  
JAPAN
- (2) Name and address of depositor:  
The Institute of Physical and Chemical Research (RIKEN)  
2-1, Hirokawa, Wako-shi  
Saitama 351-0198  
JAPAN
- (3) Date of Deposit:  
January 10, 1997
- (4) Identification Reference by Depositor and Accession Number:  
*Pseudomonas* sp. strain 61-3                      10015 (FERM P-13108)
- (5) The viability of the cultures cited above was tested June 5, 2000. On that date, the cultures were viable.
- (6) If the cultures should die or be destroyed during the effective term of the deposit, it shall be the responsibility of The Institute of Physical and Chemical Research (identified in part (2) above) to replace them with living cultures of the same.
- (7) The deposits cited above are capable of reproduction.

## DECLARATION

I, Nobuko FUKAMI, of HIRAKI & ASSOCIATES, do solemnly and sincerely declare as follows:

1. That I am well acquainted with the English and Japanese languages and am competent to translate from Japanese into English.
2. That I have executed, with the best of my ability, a true and correct translation into English of Japanese Patent Application No. 225102/1999 filed on August 9, 1999, a copy of which I attach herewith.

This ~~13<sup>th</sup>~~ day of May, 2003

Nobuko Fukami

Nobuko FUKAMI